

Decision 03-03-016 March 13, 2003

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the application of Magei M. Osman, Kmel S. Bashir, and Mahmoud Mohamed for authority to control California Airporter, Inc., pursuant to Section 854 of the Public Utilities Code.

Application 02-12-018  
(Filed December 13, 2002)

**O P I N I O N**

**Summary**

Application of Mamdouh Hassan (Seller) to sell and Magei M. Osman, Kmel S. Bashir, and Mahmoud Mohamed (Buyers) to acquire control of California Airporter, Inc. (Airporter) is granted.

**Discussion**

Seller owns all 15,000 shares of the issued and outstanding stock of Airporter. Airporter is authorized by Decision (D.) 99-06-017 to operate as an on-call passenger stage corporation (PSC) between points in Contra Costa, Alameda, and San Francisco Counties, on the one hand, and San Francisco and Oakland International Airports, on the other hand.

Seller requests authority to sell and Buyers request authority to purchase, pursuant to Pub. Util. Code § 851 et seq., all 15,000 shares of stock and thereby acquire control of Airporter. The purchase price of \$35,000 is payable at the closing of the Business Stock Sale Agreement, attached to the application as Exhibit A.

Buyers state they have experience in the airport shuttle business as owners and drivers. Their unaudited Balance Sheet as of December 1, 2002 (Exhibit C of

the application) shows a net worth of \$1.03 million, consisting principally of an investment in an aviation business.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 17, 2002.

In Resolution ALJ 176-3103 dated December 17, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3103.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

#### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

#### **Findings of Fact**

1. Airporter is authorized to operate as a PSC pursuant to D.99-06-017.
2. Mamdouh Hassan owns all of the issued and outstanding shares of stock of Airporter.
3. Mamdouh Hassan requests authority to sell and Magei M. Osman, Kmel S. Bashir, and Mahmoud Mohamed request authority to purchase the 15,000 shares of issued and outstanding stock of Airporter.
4. The proposed transfer will not be adverse to the public interest.
5. No protest to the application has been filed.
6. A public hearing is not necessary.
7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Conclusions of Law**

1. The proposed sale of 100% interest in Airporter to Magei M. Osman, Kmel S. Bashir, and Mahmoud Mohamed should be authorized.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

**O R D E R**

**IT IS ORDERED** that:

1. Pursuant to Pub. Util. Code § 851 et seq., Magei M. Osman, Kmel S. Bashir, and Mahmoud Mohamed (Buyers) are authorized to acquire from Mamdouh Hassan (Seller) 100% of the shares of stock of California Airporter, Inc., a corporation.
2. Within fifteen (15) days of the date the transaction closes, Buyers shall notify the Commission's Consumer Protection and Safety Division in writing thereof.
3. The authority granted by this order shall lapse unless it is exercised within 90 days of the effective date of this order.

4. This proceeding is closed.

This order is effective today.

Dated March 13, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners